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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/760,053 | 01/16/2004 | David Nelson | FMWW 8843US | 8495 |
| 1688 | 7590 | 06/15/2005 | EXAMINER | |
| POLSTER, LIEDER, WOODRUFF & LUCCHESI 12412 POWERSCOURT DRIVE SUITE 200 ST. LOUIS, MO 63131-3615 | | | BINDA, GREGORY JOHN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3679 | |

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/760,053 | Applicant(s) NELSON ET AL. | |
| | Examiner Greg Binda | Art Unit 3679 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 6-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>1/16/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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Election/Restrictions

1. Applicant's election without traverse of a lubrication retention and bearing component (Group I) in the reply filed on May 13, 2005 is acknowledged.

2. Claims 6-10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on May 13, 2005.

Information Disclosure Statement

3. The information disclosure statement filed Jan 16, 2004 fails to comply with the provisions of 37 CFR 1.98(b) because the non patent documents are not identified with their publication dates. Those references have been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Drawings

4. The drawings are objected to because they fail to show the limitations of claim 3. Fig. 5 is purported to show the limitations, but it does show a plurality of ribs nor does it show an

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axially aligned rib(s). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 & 4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Klima et al, US D402,558.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 2, 4 & 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kayser, US 3,470,711. Figs. 3-5 show an elastomeric (col. 4, line 72) lubrication retention and bearing component 46 comprising: an annular thrust washer portion (nominally indicated by reference character 47A); a cylindrical baffle portion 47B perpendicular to, and coaxial with, the annular thrust washer portion; a circular element 48 coaxially disposed within the cylindrical baffle portion, the circular element open at opposite ends and defining an axial lubrication delivery passage; and an annular base (nominally indicated by reference character 49) contiguously coupling the cylindrical baffle portion to the circular element opposite the annular thrust washer portion to define an annular lubrication retaining volume concentric with the axial lubrication delivery passage and open adjacent the annular thrust washer portion. Figs. 3-5 show the component 46 includes a plurality of radial lubrication channels 54 disposed on the annular thrust washer portion. Kayser shows the circular element 48 as conically, not cylindrically shaped. However, it would have been obvious to make the element 48 cylindrical instead of conical since conical and cylindrical such elements are art recognized equivalents. (See US

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6,540,616 which shows that conical (see the element 70 in Fig. 4) and cylindrical (see the element 270 in Fig. 270) such elements are art recognized equivalents.)

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kayser in view of Menosky et al, US 6,827,649 (Menosky). Kayser shows a lubrication retention and bearing component 46 comprising all the limitations of the claims except for a plurality of axially aligned ribs on the outer peripheral surface of the cylindrical baffle portion 47B. In Fig. 8, Menosky shows a lubrication retention and bearing component 200 comprising a cylindrical baffle portion 202 with a plurality of axially aligned ribs (nominally indicated by the reference characters 212, 214) on the outer peripheral surface thereof. In col. 4, lines 46-54, Menosky teaches that the plurality of axially aligned ribs provide a means for retaining the lubrication retention and bearing component on a trunnion. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the lubrication retention and bearing component of Kayser by providing the cylindrical baffle portion with a plurality of axially aligned ribs in order to provide a means for retaining the lubrication retention and bearing component on a trunnion as taught by Menosky.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jorgensen and Park each show a component that comprises many of the limitations of the claimed invention.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda
Primary Examiner
Art Unit 3679